Stricken language would be deleted from and underlined language would be added to present law. Act 136 of the Regular Session

1	State of Arkansas	As Engrossed: S2/7/13		
2	89th General Assembly	A Bill		
3	Regular Session, 2013		SENATE BILL 150	
4				
5	By: Senator J. Dismang			
6	By: Representatives Gillam, Biviano			
7				
8	For An Act To Be Entitled			
9	AN ACT TO AMEND PAROLE ELIGIBILITY FOR PERSONS			
10	CONVICTED OF A FELONY SEX OFFENSE; AND FOR OTHER			
11	PURPOSES.			
12				
13				
14	Subtitle			
15	TO AMEND PAROLE ELIGIBILITY FOR PERSONS		NS	
16	CONVIC	CTED OF A FELONY SEX OFFENSE.		
17				
18				
19	BE IT ENACTED BY THE GE	NERAL ASSEMBLY OF THE STATE OF A	ARKANSAS:	
20				
21	SECTION 1. Arkan	sas Code § 16-93-615(b)(1), rega	arding an inmate who is	
22	subject to discretionary transfer to the Department of Community Correction			
23	by the Parole Board after having served one-third (1/3) or one-half ($\frac{1}{2}$) of			
24	his or her sentence, is	amended to read as follows:		
25	(b)(l) An inmate	e under sentence for one (1) of t	the following felonies	
26	shall be <u>is</u> eligible fo	or discretionary transfer to the	Department of	
27	Community Correction by	the Parole Board after having s	served one-third (1/3)	
28	or one-half $(\frac{1}{2})$ of his or her sentence, with credit for meritorious good			
29	time, depending on the seriousness determination made by the Arkansas			
30	Sentencing Commission, or one-half $({}^{1}_{2})$ of the time to which his or her			
31	sentence is commuted by executive clemency, with credit for meritorious good			
32	time:			
33	(A)	Any homicide, §§ 5-10-101 — 5-10)-105, unless the	
34	offense is listed under § 16-93-612(e)(1); Unless the offense is listed under			
35	<u>§ 16-93-612(e)(1), the following homicide offenses:</u>			
36	(i) Capital murder, § 5-10-101;			



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1	(ii) Murder in the first degree, § 5-10-102;		
2	(iii) Murder in the second degree, § 5-10-103;		
3	(iv) Manslaughter, § 5-10-104; or		
4	(v) Negligent homicide, § 5-10-105;		
5	(B) Sexual assault in the first degree, § 5-14-124 <u>An</u>		
6	offense for which the inmate is required upon release to register as a sex		
7	offender under the Sex Offender Registration Act of 1997, § 12-12-901 et		
8	<pre>seq., unless the offense is listed under § 16-93-612(e)(1);</pre>		
9	(C) Sexual assault in the second degree, § 5-14-125;		
10	(D)(C) Battery in the first degree, § 5-13-201;		
11	(E)(D) Domestic battering in the first degree, § 5-26-303;		
12	OT		
13	(F)(E) The Unless the offense is listed under § 16-93-		
14	612(e)(1), the following Class Y felonies:		
15	(i) Kidnapping, § 5-11-102 , unless the offense is		
16	listed under § 16-93-612(e)(1) ;		
17	(ii) Rape, § 5-14-103, unless the offense is listed		
18	under § 16-93-612(c)(1);		
19	(iii)(ii) Aggravated robbery, § 5-12-103 , unless the		
20	offense is listed under § 16-93-612(e)(1); or		
21	(iv)(iii) Causing a catastrophe, § 5-38-202(a),		
22	unless the offense is listed under § 16-93-612(e)(1);		
23	(G)(F) Engaging in a continuing criminal enterprise, § 5-		
24	64-405; or		
25	(H)(G) Simultaneous possession of drugs and firearms, § 5-		
26	74-106.		
27			
28	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the		
29	General Assembly of the State of Arkansas that certain sex offenses qualify		
30	for mandatory parole under the current parole laws; that sex offenses are		
31	very serious crimes and parole for those offenses should be discretionary;		
32	and that this act is immediately necessary because those persons who will be		
33	required to register as sex offenders upon release from the Department of		
34	Correction should first serve a meaningful sentence in prison before being		
35	eligible for mandatory parole. Therefore, an emergency is declared to exist,		
36	and this act being immediately necessary for the preservation of the public		

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(1) The date of its approval by the Governor: (2) If the bill is neither approved nor vetoed by the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto. /s/J. Dismang APPROVED: 02/20/2013 	1	peace, health, and safety shall become effective on:
1 (2) If the bill is neither approved nor vetoed by the Governor may veto the bill; or 5 bill; or 6 (3) If the bill is vetoed by the Governor and the veto is overriden, the date the last house overrides the veto. 7 /s/J. Dismang 10	2	
5 <i>fill; or</i> 6 (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto. 9 /s/J. Dismang 10 /s/J. Dismang 11 APPROVED: 02/20/2013 12 APPROVED: 02/20/2013 13	3	
(3) If the bill is vetoed by the Governor and the veto is vverridden, the date the last house overrides the veto. (3) (5) (1) (2) (2) (3) (3) (1) (2) (2) (3) (3) (4) (5) (5) (6) (7) (7) (8) (9) (10) (11) (12) (12) (13) (14) (15) (16) (17) (18) (19) (11) (11) (12) (12) (13) (14) (15) (15) (16) (17) (18) (19) (11) (11) (12) (12) (13)	4	the expiration of the period of time during which the Governor may veto the
verridden, the date the last house overrides the veto. 9 /s/J. Dismeng 10	5	bill; or
<i>/s/J. Dismang /s/J. Dismang /s/J. Dismang /s/J. Dismang APPROVED: 02/20/2013 APP</i>	6	(3) If the bill is vetoed by the Governor and the veto is
9 /s/J. Dismang 10 11 12 APPROVED: 02/20/2013 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34	7	overridden, the date the last house overrides the veto.
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